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STATUS ON IRAQ

COMMUNICATION

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

A REPORT ON THE STATUS OF EFFORTS TO OBTAIN IRAQ'S
COMPLIANCE WITH THE RESOLUTIONS ADOPTED BY THE U.N.
SECURITY COUNCIL, PURSUANT TO PUB. L. 102-1, SEC. 3 (105
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THE WHITE HOUSE,
Washington, November 5, 1998.

Hon. NEWT GINGRICH,
Speaker of the House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Consistent with the Authorization for Use of Military Force Against Iraq Resolution (Public Law 102-1) and as part of my effort to keep the Congress fully informed, I am reporting on the status of efforts to obtain Iraq's compliance with the resolutions adopted by the United Nations Security Council (UNSC). This report covers the period from September 3 to the present.

INTRODUCTION

On October 31, Iraq announced that it was ceasing all cooperation with the United Nations Special Commission (UNSCOM) including monitoring activity. This announcement represents a serious escalation of Iraq's August 5 decision to suspend cooperation with UNSCOM and the International Atomic Energy Agency (IAEA). On October 31, the UNSC issued a statement condemning Iraq's decision as a "flagrant violation of relevant Council resolutions and of the Memorandum of Understanding signed between the Secretary General and the Deputy Prime Minister of Iraq" last February. Iraq's action followed its receipt of a letter from the UK (as President of the Security Council) indicating a willingness to conduct a comprehensive review, but only after Iraq returned to full compliance. Since the October 31 statement, UNSCOM has been able to conduct only very limited monitoring activity.

Earlier, on September 9, the UNSC unanimously adopted Resolution 1194, which condemns Iraq's August 5 decision as a "totally unacceptable contravention of its obligations," demands that Iraq rescind its decision and resume cooperation, and suspends bi-monthly sanctions reviews until UNSCOM and IAEA report that they are satisfied that Iraq has done so.

The resolution also notes the Council's willingness to hold a comprehensive review of "Iraq's compliance with its obligations under all relevant resolutions once Iraq has rescinded its * * * decision [to suspend cooperation] and demonstrated that it is prepared to fulfill all its obligations, including, in particular on disarmament issues, by resuming full cooperation with the Special Commission and the IAEA. * * *"

On September 23, the P-5 Foreign Ministers issued a statement reiterating that Iraq's actions are "totally unacceptable," and confirmed that "Iraq must respond immediately to Security Council Resolution 1194 and resume full cooperation." The statement also noted that the prerequisite for a comprehensive review was Iraq's "unconditional resumption" of cooperation with UNSCOM and the IAEA.

Tariq Aziz spend several days at the United Nations in New York at the end of September discussing the comprehensive review with Security Council members and the Secretary General. The Secretary General's Special Representative Prakash Shah is engaged in discussions in Baghdad on the subject. Despite Iraq's lobbying efforts, the Secretary General and all Council members remain united in judging Iraq's actions unacceptable; all 15 Council members supported the Council President's letter to the Secretary General that said Iraq must rescind its August 5 decision and resume cooperation with UNSCOM and the IAEA. We continue to work with the Council to convince Iraq to reverse course, but we have not ruled out any option should the Council fail to reverse Iraq's decision.

We continue to support the international community's efforts to provide for the humanitarian needs of the Iraqi people through the "oil-for-food" program. On May 27, 1998, Iraq presented a distribution plan for the implementation of Resolution 1153, which had been adopted on February 20. Under phase three of the "oil-for-food" program, which ran from December 3, 1997, through June 2, 1998, \$1.2 billion worth of humanitarian goods were approved for export to Iraq. Under the current phase, phase four, which began in June, the U.N. Sanctions Committee has approved the purchase of over \$1.2 billion worth of humanitarian goods. United States companies can participate in the "oil-for-food" program, and over \$185 million worth of direct contracts for U.S. firms have been approved since the program began.

Recent developments in northern Iraq demonstrate once again the power of persistent diplomacy. On September 17, leaders of the two main Iraqi Kurdish parties, Massoud Barzani and Jalal Talabani, met together for the first time in over 4 years to sign a forward-looking joint statement committing their parties to reconciliation. Their talks, held at the Department of State under U.S. auspices, followed 6 months of intensive discussions and close consultation with the Kurdish parties and with our Turkish and British allies. The statesmanlike achievement of the Iraq Kurdish leaders signals a hopeful new chapter for all the people of northern Iraq.

On October 31, I signed into law the Iraq Liberation Act of 1998. Work also continues on the existing opposition program to help opposition groups unify politically, and the new Radio Free Iraq service began broadcasting in late October. These new programs will help us encourage the Iraqi people to build a pluralistic, peaceful Iraq that observes the international rule of law and respects basic human rights. Such an Iraq would have little trouble regaining its rightful place in the region and in the international community.

U.S. AND COALITION FORCE LEVELS IN THE GULF REGION

Saddam's record of aggressive behavior forces us to retain a highly capable force presence in the region in order to deter Iraq and deal with any threat it might pose to its neighbors. The United States and allied forces now in the theater are prepared to deal with all contingencies. We have the capability to respond rapidly to possible Iraqi aggression. We will continue to maintain a robust force posture and have established a rapid reinforcement capability

to supplement our forces in the Gulf when needed. Our cruise missile force is twice the pre-October 1997 level and can be augmented significantly within days. Our contingency plans allow us the capability for swift, powerful strikes if that becomes necessary.

Our forces in the region include land and carrier-based aircraft, surface warships, a Marine expeditionary unit, a Patriot missile battalion, a mechanized battalion task force, and a mix of special operations forces deployed in support of U.S. Central Command operations. To enhance force protection throughout the region, additional military security personnel are also deployed.

OPERATION NORTHERN WATCH AND OPERATION SOUTHERN WATCH

The United States and coalition partners continue to enforce the no-fly zones over Iraq under Operation Northern Watch and Operation Southern Watch. There were no observed no-fly zone violations during the period covered by this report. We have made clear to Iraq and to all other relevant parties that the United States and coalition partners will continue to enforce both no-fly zones.

THE MARITIME INTERCEPTION FORCE

The Maritime Interception Force (MIF), operating in accordance with Resolution 665 and other relevant resolutions, vigorously enforces U.N. sanctions in the Gulf. The U.S. Navy is the single largest component of this multinational force, but it is frequently augmented by ships, aircraft, and other support from Australia, Canada, Belgium, Kuwait, The Netherlands, New Zealand, the UAE, and the United Kingdom. Member states of the Gulf Cooperation Council also support the MIF by providing logistical support and shipriders and by accepting vessels diverted for violating U.N. sanctions against Iraq.

The MIF continues to intercept vessels involved in illegal smuggling into and out of Iraq. In late August, the MIF conducted stepped-up operations in the far northern Gulf in the shallow waters near the major Iraqi waterways. These operations severely disrupted smuggling operations in the region. A new round of stepped up activity took place in mid-October. Since the beginning of the year, over 40 vessels have been detained for violations of the embargo and sent to ports in the Gulf for enforcement actions. Kuwait and the UAE, two countries adjacent to the smuggling routes, have also stepped up their own enforcement efforts and have intercepted and detained vessels involved in sanctions violations. Although refined petroleum products leaving Iraq comprise most of the prohibited traffic, the MIF has also intercepted a growing number of ships in smuggling prohibited goods into Iraq in violation of U.N. sanctions resolutions and the "oil-for-food" program. Ships involved in smuggling frequently utilize the territorial seas of Iran to avoid MIF patrols. In September, Iran closed the Shatt Al Arab waterway to smugglers and we observed the lowest level of illegal gasoil smuggling in 2 years. Iran apparently reopened the waterway in October. Detailed reports of these smuggling activities have been provided to the U.N. Sanctions Committee in New York.

CHEMICAL WEAPONS

Iraq continues to deny that it ever weaponized VX nerve agent or produced stabilized VX, despite UNSCOM's publicly stated confidence in the Edgewood Arsenal laboratory finding of stabilized VX components in fragments of Iraqi SCUD missile warheads. Tests by France and Switzerland on other warhead fragments have been conducted to help UNSCOM estimate the total number of warheads loaded with VX. On October 22 and 23, international experts from seven countries met to discuss all analytical results obtained in the course of UNSCOM's verification of Iraq's declarations related to VX activities. Ambassador Butler reported to the U.N. Security Council on October 26 that the international experts "unanimously concluded" that "all analytical data" provided by the United States, Swiss, and French laboratories involved were considered "conclusive and valid." Ambassador Butler continued, "the existence of VX degradation products conflicts with Iraqi declarations that the unilaterally destroyed special warheads had never been filled with CW agents." The experts recommended the UNSCOM ask Iraq to explain the origin and history of the fragments analyzed by all three laboratories and the presence of degradation products of nerve agents, and to explain the presence of a compound known as VX stabilizer and its degradation product.

Iraq still refuses to turn over to UNSCOM the Iraqi Air Force document found by UNSCOM inspectors that details chemical weapons expended during the Iran-Iraq war. We understand that UNSCOM believes the document indicates that Iraq's official declaration to UNSCOM have greatly overstated the quantities of chemical weapons expended, which means a greater number of chemical weapons are unaccounted for than previously estimated.

BIOLOGICAL WEAPONS

Iraq has failed to provide a credible explanation for UNSCOM tests that found anthrax in fragments of seven SCUD missile warheads. Iraq has been claiming since 1995 that it put anthrax in only five such warheads, and had previously denied weaponizing anthrax at all. Iraq's explanations to date are far from satisfactory, although it now acknowledges putting both anthrax and botulinum toxin into some number of warheads.

Iraq's biological weapons (BW) program, including SCUD missile BW warheads, R-400 BW bombs, drop-tanks to be filled with BW, spray devices for BW, production of BW agents (anthrax, botulinum toxin, aflatoxin, and wheat cover smut), and BW agent growth media, remains the "black hole" described by Ambassador Butler. Iraq has consistently failed to provide a credible account of its efforts to produce and weaponize its BW agents.

In response to a U.S. proposal, the Security Council agreed on October 13 to seek clarification from Iraq of statements made by Iraqi officials on October 7 concerning the existence of additional information on biological weapons still in Iraq's hands, and about Iraq's refusal to turn over the Iraqi Air Force document on chemical weapons expended in the Iran-Iraq War.

LONG-RANGE MISSILES

While Iraq continued to allow UNSCOM to witness flight tests of nonprohibited Iraqi missiles with range under 150 km (this cooperation has not been tested since the October 31 decision), there has been no change in (1) Iraq's refusal to further discuss its system for concealment of longer-range missiles and their components, (2) Iraq's refusal to provide credible evidence of its disposition of large quantities of the unique fuel required for the long-range SCUD missile, or (3) Iraq's continued test modifications to SA-2 VOLGA surface-to-air missile components, despite written objections by UNSCOM (reported to the Security Council). These areas contribute to an Iraqi capability to produce a surface-to-surface missile of range greater than its permitted range of 150 km.

While UNSCOM believes it can account for 817 of 819 imported Soviet-made SCUD missiles, Iraq has refused to give UNSCOM a credible accounting of the indigenous program that produced complete SCUD missiles that were both successfully test-flown and delivered to the Iraqi army.

NUCLEAR WEAPONS

The nuclear weapons situation remains as it was on August 11, 1998, when IAEA Director General El Baradei wrote to the President of the Security Council that Iraq's August 5 suspension of cooperation with UNSCOM and the IAEA allows only "limited implementation of its ongoing monitoring" and "makes it impossible * * * to investigate * * * remaining questions and concerns * * *" In its 6-month report to the U.N. Security Council on October 7, the IAEA stated that it had a "technically coherent" view of the Iraqi nuclear program. There are remaining questions, but IAEA believes they can be dealt with within IAEA's ongoing monitoring and verification effort.

But the report also stated that Iraq's current suspension of cooperation with the IAEA limits the IAEA's right to full and free access. The IAEA is currently unable to investigate further aspects of Iraq's clandestine program or to ensure that prohibited activities are not being carried out in Iraq, free from the risk of detection through direct measures.

DUAL-USE IMPORTS

Resolution 1051 established a joint UNSCOM/IAEA unit to monitor Iraq's imports of allowed dual-use items. Iraq must notify the unit before it imports specific items that can be used in both weapons of mass destruction and civilian applications. Similarly, U.N. members must provide timely notification of exports to Iraq of such dual-use items.

Given Iraq's current decision to suspend cooperation with UNSCOM/IAEA, we remain constantly vigilant for evidence of smuggling of items usable in weapons of mass destruction.

THE U.N.'S "OIL-FOR-FOOD" PROGRAM

We continue to support the international community's efforts to provide for the humanitarian needs of the Iraqi people through the "oil-for-food" program. Under the last phase of the "oil-for-food"

program, which ran from December 3, 1997, through June 2, 1998, \$1.2 billion worth of humanitarian goods were approved for export to Iraq. Untied States companies can participate in "oil-for-food," and \$185 million worth of direct contracts for U.S. firms have been approved; millions of dollars more have been earned through sub-contracts. Since the first deliveries under the "oil-for-food" program began in March 1997, 7 million tons of food worth over \$2.25 billion and \$336 million worth of medicine and health supplies have been delivered to Iraq.

Iraq is authorized to sell up to \$5.2 billion worth of oil every 180 days, up from \$2 billion in previous phases. Although Resolution 1153 was adopted on February 20, Iraq did not present as acceptable distribution plan for the implementation of Resolution 1153 until May 27, 1998; the plan was accepted by the U.N. Secretary General on May 29. The U.N. Office of the Iraq Programme (OIP) has recently released new estimates of the amount of oil revenues that will be available during this phase of the program. Citing declining world oil prices and the state of Iraq's oil industry, OIP now estimates that income for the 6-month period ending in December will be around \$3.3 billion. Discussions are under way within the Sanctions Committee and OIP as to how best to meet the most immediate needs of the Iraqi people in light of this projected shortfall in income.

Under the current phase (four) of the "oil-for-food" program, 622 contracts for the purchase of humanitarian goods for the Iraqi people have been presented for approval; of these, 485 contracts worth over \$1.2 billion have been approved and 80 are on hold pending clarification of questions about the proposed contracts. With regard to oil sales, 58 contracts with a total value of over \$2 billion have been approved so far during this phase.

UNSC Resolution 1153 maintains a separate "oil-for-food" program for northern Iraq, administered directly by the United Nations in consultation with the local population. This program, which the United States strongly supports, receives 13 to 15 percent of the funds generated under the "oil-for-food" program. The separate northern program was established because of the Baghdad regime's proven disregard for the humanitarian needs of the Kurdish, Assyrian, and Turkomen minorities of northern Iraq and its readiness to apply the most brutal forms of repression against them. In northern Iraq, where Baghdad does not exercise control, the "oil-for-food" program has been able to operate relatively effectively. The Kurdish factions are setting aside their differences to work together so that Resolution 1153 is implemented as efficiently as possible.

The United Nations must carefully monitor implementation of Resolution 1153. As the current phase anticipates, infrastructure repairs in areas such as oil export capacity, generation of electricity, and water purification present increasing challenges to the U.N. monitoring regime.

The Iraqi government continues to insist on the need for rapid lifting of the sanctions regime, despite its clear record of non-compliance with its obligations under relevant UNSC resolutions. Although the Iraqi government maintains that sanctions cause widespread suffering among the Iraqi populace, the Iraqi govern-

ment is still not prepared to comply with UNSC resolutions and thus create the conditions that would allow sanctions to be lifted. Even if sanctions were lifted and the Government of Iraq had complete control over oil revenues, it is doubtful that conditions would improve for the Iraqi people. The Iraqi government has for a number of years shown that meeting civilian needs is not among its priorities. Humanitarian programs such as "oil-for-food" have steadily improved the life of the average Iraqi (who, for example, now receives a ration basket providing 2,000 kilocalories per day; a significant improvement in nutrition since the program began) while denying Saddam Hussein control over oil revenues. We will continue to work with the U.N. Secretariat, the Security Council, and others in the international community to ensure that the humanitarian needs of the Iraqi people are met while denying any political or economic benefits to the Baghdad regime.

NORTHERN IRAQ: KURDISH RECONCILIATION

On September 16 and 17, Massoud Barzani, President of the Kurdistan Democratic Party (KDP), and Jalal Talabani, Chairman of the Patriotic Union of Kurdistan (PUK), met for the first time in more than 4 years in talks held at the Department of State. Secretary Albright, welcoming the two leaders, congratulated them on the courageous step they were taking on behalf of their people. She expressed the United States deep concern for the safety, security, and economic well-being of Iraqi Kurds, Shias, Sunnis, and others who have been subject to brutal attacks by the Baghdad regime. She also made it clear that the United States will decide how and when to respond to Baghdad's actions based on the threat they pose to Iraq's neighbors, to regional security, to vital U.S. interests, and to the Iraqi people, including those in the North.

While in Washington, Mr. Barzani and Mr. Talabani signed a joint statement committing themselves to a timeline to improve the regional administration of the three northern provinces in the context of the 1996 Ankara Accords. Over the next 9 months, they will seek to unify their administrations, share revenues, define the status of their major cities, and hold elections. A key component for the success of this program will be continued meetings between the two leaders. To make this possible, both parties have condemned internal fighting, pledged to refrain from violence in settling their differences, and resolved to eliminate terrorism by establishing stronger safeguards for Iraq's borders.

The Washington talks followed 6 months of intensive diplomatic efforts including a visit to northern Iraq by Principal Deputy Assistant Secretary of State David Welch and consultations in Ankara and London by both Kurdish parties. Since the Washington talks, we have continued to work closely on these issues with the Iraqi Kurds and with Turkey and Great Britain. Both leaders met with U.N. officials in New York and they were together hosted by members of the House of Representatives Committee on International Relations.

The United States fairly supports the unity and territorial integrity of Iraq. Supporting the rights and welfare of Iraqi Kurds within Iraq in no way contradicts this position. In their joint statement, the Kurdish leaders clearly enunciated this principle. The United

States is committed to ensuring that international aid continues to reach the north, that the human rights of the Kurds and northern Iraq minority groups, such as the Turkomen, Assyrians, Yezedis, and others are respected, and that the no-fly zone enforced by Operation Northern Watch is observed.

THE HUMAN RIGHTS SITUATION IN IRAQ

The human rights situation throughout Iraq continues to be a cause for grave concern. As I reported September 3, the regime increased its security presence in predominantly Shia southern Iraq after the assassinations of two distinguished Shia clerics—deaths widely attributed to regime agents. Since that time, the Iraqi army has conducted a series of repressive operations against the Shia in Nasiriya and Amara Provinces. In particular, the government continues to work toward the destruction of the Marsh Arabs' way of life and the unique ecology of the southern marshes. These events expose a callous disregard for human life and the free exercise of religion.

Summary, arbitrary, and extrajudicial executions also remain a primary concern. Baghdad still refuses to allow independent inspections of Iraqi prisons despite the conclusion of U.N. Special Rapporteur for Iraq, Max Van der Stoep, that "there is strong evidence that hundreds of prisoners (were) executed in Abu Gharib and Radwanayah prisons" late last year. The U.N. Human Rights Commission in April issued a strong condemnation of the "all-pervasive repression and oppression" of the Iraqi government. Nevertheless, sources inside Iraq report another wave of executions in June, with about 60 people summarily killed. Preliminary reports indicate that the killings continued into July and August.

In the north, outside the Kurdish-controlled areas, the government continues the forced expulsion of tens of thousands of ethnic Kurds and Turkomen from Kirkuk and other cities. In recent months, 545 more families were reportedly expelled from Kirkuk (al-Tamim province) with 7 new Arab settlements created on land seized from the Kurds. Reports from the Kurdish-controlled areas where the displaced persons are received indicate that they are forced to leave behind almost all of their personal property. Due to a shortage of housing, they are still living in temporary shelters as winter approaches.

The government also continues to stall and obfuscate attempts to account for more than 600 Kuwaitis and third-country nationals who disappeared at the hands of Iraqi authorities during or after the occupation of Kuwait. It shows no sign of complying with Resolution 688, which demands that Iraq cease the repression of its own people.

THE IRAQI OPPOSITION

It is the policy of the United States to support the Iraqi opposition by establishing unifying programs in which all of the opposition can participate. We are working to encourage and assist political opposition groups, nonpartisan opposition groups, and unaffiliated Iraqis concerned about their nation's future in peacefully espousing democracy, pluralism, human rights, and the rule of law for their country. These committed Iraqis hope to build a consensus

on the transition from dictatorship to pluralism, convey to the United States their views of Iraqi noncompliance with U.N. resolutions, and compile information to support holding Iraqi officials criminally responsible for violations of international humanitarian law.

On October 31, I signed into law the Iraq Liberation Act of 1998. It provides new discretionary authorities to assist the opposition in their struggle against the regime. This Act makes clear the sense of the Congress that the United States should support efforts to achieve a very different future for Iraq than the bitter, current reality of internal repression and external aggression.

There are, of course, other important elements of U.S. policy. These include the maintenance of U.N. Security Council support efforts to eliminate Iraq's prohibited weapons and missile programs and economic sanctions that continue to deny the regime the means to reconstitute those threats to international peace and security. United States support for the Iraqi opposition will be carried out consistent with those policy objectives as well. Similarly, U.S. support must be attuned to what the opposition can effectively make use of as it develops over time.

THE UNITED NATIONS COMPENSATION COMMISSION

The United Nations Compensation Commission (UNCC), established pursuant to Resolutions 687 and 692, continues to resolve claims against Iraq arising from Iraq's unlawful invasion and occupation of Kuwait. The UNCC has issued over 1.3 million awards worth approximately \$7 billion. Thirty percent of the proceeds from the oil sales permitted by Resolutions 986, 1111, 1143, and 1153 have been allocated to the Compensation Fund to pay awards and to finance operations of the UNCC. To the extent that money is available in the Compensation Fund, initial payments to each claimant are authorized for awards in the order in which the UNCC has approved them, in installments of \$2,500. To date, the United States Government has received funds from the UNCC for initial installment payments on approximately 1435 claims of U.S. claimants.

CONCLUSION

Iraq remains a serious threat to international peace and security. I remain determined to see Iraq comply fully with all of its obligations under U.N. Security Council resolutions. The United States looks forward to the day when Iraq rejoins the family of nations as a responsible and law-abiding member.

I appreciate the support of the Congress for our efforts and shall continue to keep the Congress informed about this important issue.

Sincerely,

WILLIAM J. CLINTON.